

JUROR# _____

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X

UNITED STATES OF AMERICA

-v-

**19-CR-576
(BMC)**

GENARO GARCIA LUNA

-----X

**UNITED STATES DISTRICT JUDGE
BRIAN M. COGAN**

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK
225 CADMAN PLAZA EAST
BROOKLYN, NEW YORK**

JURORS ARE INSTRUCTED TO CALL: 1-800-522-5100

ON _____ **AFTER 7:00 P.M.**

FOR FURTHER REPORTING INSTRUCTIONS.

JUROR # _____

**THE ANSWERS TO THE QUESTIONS ON THIS PAGE WILL BE DISCLOSED
ONLY TO THE APPROPRIATE COURT PERSONNEL AS DIRECTED BY THE
PRESIDING JUDGE**

Please print the following information:

Name:

Home Address:

Home Phone:

Job & Department:

Business Address:

Business Phone (Including Extensions):

Cellular Phone:

I hereby certify under penalty of perjury that the foregoing information, and all of the answers in this questionnaire, are true, correct, and complete to the best of my knowledge.

SIGNATURE

Date: _____

JUROR # _____

UNITED STATES v. GENARO GARCIA LUNA
Cr. No. 19-576 (BMC)

CONFIDENTIAL JUROR QUESTIONNAIRE INSTRUCTIONS

TO THE PROSPECTIVE JUROR:

Welcome to the courthouse and thank you for participating in jury service. This questionnaire is an important part of the jury selection process. You are sworn to give complete and truthful answers – under penalty of perjury – to the questions that follow. All of the information you provide will be kept confidential and will be seen only by the Judge, the Clerk’s Office and the members of the prosecution and defense teams, including the defendant.

Citizens in our community hold different views and have had different life experiences that inform those views. We are genuinely interested in learning your views and feelings on a variety of issues. There are no “right” or “wrong” answers to these questions; just answer honestly and completely.

Please answer each question by placing a check next to the correct response and by providing the information requested. Take your time and answer each question as fully as possible. Answer all questions. If a question does not apply to you, fill in the space with an “N/A” for “not applicable.” Do not leave any answer blank. Write in dark ink and as legibly as possible. Please do not write on the back of any page. If you need extra space, you may continue your answer in the space provided at the end of the questionnaire. If you need additional space, indicate so under that question and use the attached Explanation Sheet. On the Explanation Sheet, indicate to which question or questions you are responding.

It is important that the jury in no way be influenced by the public or the media. To protect your privacy and to assist you in discharging your responsibility as jurors fairly and impartially, you are part of an anonymous group of potential jurors. This means that no one, not the Judge, the media, the public, the parties to the case, the lawyers, or anyone else other than the Clerk of the Court, will have access to any of the identifying information that you provided. It is not uncommon for the Court to use an anonymous jury in cases that present a high media interest.

It is very important that you not discuss this questionnaire or your answers with friends, family, co-workers, court personnel or anyone else. The answers that you provide must be yours and yours alone. From this point forward, do not read or listen to any news about this case, including anything about the case on TV, radio, newspaper, websites, blogs, or social media. Do not discuss this case with anyone, including your family. Do not research this case or the people involved: do not research any of the facts presented in this questionnaire, any prior court proceedings, the defendant, the lawyers, or the Judge. This includes research conducted on the internet or through any other source of information.

JUROR # _____

Jury service is one of the most important duties a citizen can be called on to perform. You will fulfill that civic duty by responding completely and honestly during jury selection. The Court appreciates your participation and cooperation.

U.S.D.J.

JUROR # _____

UNITED STATES v. GENARO GARCIA LUNA
Cr. No. 19-576 (BMC)

JUROR QUESTIONNAIRE

This questionnaire is designed to help simplify and expedite the jury selection process. You must give true and complete answers to all questions. Although some of the questions ask about personal details, please understand that your answers will help the parties and the Court select a fair and impartial jury. Part of the selection process depends on your ability and promise to follow the law as the Court explains it to you. Thus, some of the questions include descriptions of legal principles and ask whether you can conscientiously follow them.

The defendant, Genaro Garcia Luna, was a public official in the Mexican government until his retirement in 2012. He is charged with engaging in what is called a Continuing Criminal Enterprise, in violation of Title 21, United States Code, Sections 848(a) and 848(c). Specifically, the indictment charges that while he was a public official, he took bribes from, and provided assistance to, the Sinaloa Cartel, a transnational drug trafficking organization. Mr. Garcia Luna is also charged in the Indictment with participating in the following crimes: international conspiracy to distribute cocaine, conspiracy to distribute and possess with intent to distribute cocaine, conspiracy to import cocaine, and making false statements. It is important to remember that Mr. Garcia Luna has denied these charges and pleaded not guilty. Mr. Garcia Luna, like all defendants is presumed to be innocent of all charges made against him unless and until the government proves his guilt beyond a reasonable doubt.

This is just a summary of the charges to give you some background on the case. The court will instruct the jury on the elements of the crimes charged and the applicable law at a more appropriate time during trial.

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BACKGROUND QUESTIONS

1. Have you read or heard anything about this case?

☐ Yes ☐ No

If yes, please describe:

2. Do you have any personal knowledge of the charges in this case as they are described above?

☐ Yes ☐ No

If yes, please describe:

3. Do you have any difficulty reading or understanding English?

☐ Yes ☐ No

4. Do you have any physical problem (for example, with your sight or hearing) that would interfere with your ability to serve?

☐ Yes ☐ No

If yes, please describe:

5. What is your age? _____

6. What is your gender? _____

7. Where were you born? _____

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8. Where were your parents born? _____

9. Where were you raised? _____

10. What is your marital status? _____

11. How many children do you have, if any? _____

12. What are their ages? _____

13. If your children are employed, list their occupation.

14. Are you presently a member of any church, synagogue, mosque, temple or other religious organization? (Do not specify which)

☐ Yes ☐ No

If so, how often do you attend religious services? _____

15. Where do you live?

☐ Brooklyn ☐ Queens ☐ Staten Island ☐ Nassau ☐ Suffolk

City/Town _____ Neighborhood (if any) _____

16. How long have you lived there? _____

17. Where did you live before that? _____

18. How long did you live there? _____

19. How far did you go in school? _____

20. (a) What type of work do you do and what type of business is it? If you are a homemaker or unemployed, please note that. **(Please do not name your employer.)**

(b) How long have you worked at your present job?

JUROR # _____

(c) Do you supervise others in your job?

☐ Yes ☐ No

21. If retired or unemployed, how long have you been unemployed or retired and what type of work had you been doing previously?

22. Does anyone else in your household work outside the home? If yes, provide the nature of the relationship (for example, spouse or child) and the type of work he or she does. **(Please do not name any employer.)**

23. Have you ever served in the military? ☐ Yes ☐ No

Branch and highest rank: _____

Foreign Stations or Tours: _____

24. Have you ever traveled outside of the United States? ☐ Yes ☐ No

If yes, please describe where and approximately when:

25. Name the one person (living or dead) who is likely known to all of us who you admire over all others.

26. Do you volunteer any time to charitable, political or civic organizations? If so, what type?

JUROR # _____

27. Other than English, what languages do you speak?

28. Do you speak, read, or understand Spanish?

☐ Yes ☐ No

Some evidence and testimony in this case will be in Spanish. I instruct you that you are to rely on the court-certified translator's translation of Spanish. Will you follow that instruction?

☐ Yes ☐ No

29. List any news sources (newspapers, radio shows, magazines, websites, or blogs) that you read, watch, or listen to regularly:

30. What is your primary source of news?

31. What are your favorite television shows?

32. What was the last television show or movie you watched?

33. What was the last book you read?

JUROR # _____

34. Do you watch any television programs or read any books about crime, including shows about drug trafficking or drug cartels, the criminal justice system, or correctional institutions (e.g., jails, prisons, or penitentiaries)?

☐ Yes ☐ No

If yes, please explain:

35. Have you or any member of your family or close friends worked or applied for a position in the U.S. Attorney's Office, the Drug Enforcement Administration, the Department of Homeland Security, the Federal Bureau of Investigation, or any other law enforcement agency?

☐ Yes ☐ No

If yes, please explain:

JUROR # _____

EXPERIENCE AND BELIEFS

36. Is there anything about your background or your personal, political, or religious beliefs that would prevent you from sitting in judgment of another person in a criminal trial?

☐ Yes ☐ No

If yes, please explain:

37. Have you ever been a juror?

☐ Yes ☐ No

If yes, please complete the chart below:

Year of Service	State or Federal?	Criminal or Civil?	Grand Jury or Trial Jury	Was there a verdict? (answer Yes or No, do not state what the verdict was)
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

What was the general nature of the case(s) (for example, robbery, murder, contract, negligence, medical malpractice, etc.)?

JUROR # _____

Is there anything about your prior jury service that would affect your ability to be a fair and impartial juror in this case, would make you not want to serve again, or affected your opinion about the jury system?

☐ Yes ☐ No

If yes, please explain:

38. Have you or a member of your family or anyone close to you had any legal action or dispute with the United States or any of its agencies, or any officer, agents, or employees of the United States?

☐ Yes ☐ No

If yes, please explain the nature of the proceedings:

39. Have you or any member(s) of your family or anyone close to you, ever been a witness in any court proceeding?

☐ Yes ☐ No

If yes, please explain the nature of the proceedings:

40. Have you, or has a family member or close friend, ever been a witness to or the victim of a crime?

☐ Yes ☐ No

JUROR # _____

If yes, please explain **without providing names or other identifying information** who was involved, when and where it occurred, what happened, the outcome, and whether anyone was arrested or convicted:

41. Would that experience affect your ability to be fair and impartial in this case?

☐ Yes ☐ No

If yes, please explain:

42. Have you, a family member, or close friend ever been stopped, questioned, investigated, arrested, or prosecuted by any law enforcement officer or agency?

☐ Yes ☐ No

If yes, would that experience affect your ability to be fair and impartial in this case?

☐ Yes ☐ No

If yes, please explain:

JUROR # _____

43. Have you, or have any close friends or family members, ever been incarcerated?

☐ Yes (self) ☐ Yes (friends/family) ☐ No

If yes, please explain:

44. Have you or a friend or family member ever been employed, trained, applied for work, or volunteered in any law enforcement agency, corrections, or a related field? (Examples: police, sheriff, FBI, jail, probation officer, private security, etc.)

☐ Yes (self) ☐ Yes (friends/family) ☐ No

If yes, without providing names, please indicate your relationship with that person, the job or nature of the experience and the approximate dates:

If yes, would that affect your ability to be fair and impartial in this case?

☐ Yes ☐ No

If yes, please explain:

JUROR # _____

45. Have you or a friend or family member ever been employed by or volunteered in any aspect of criminal defense work, including any Public Defender's office, a Legal Aid, or with a related support or advocacy group having to do with the rights of people charged with crimes?

☐ Yes (self) ☐ Yes (friends/family) ☐ No

If yes, without providing names, please indicate your relationship with that person, the job or nature of the experience and the approximate dates:

If yes, would that affect your ability to be fair and impartial in this case?

☐ Yes ☐ No

If yes, please explain:

46. Do any of your relatives or close friends work for a criminal lawyer or private investigator?

☐ Yes ☐ No

If yes, without providing names, please indicate your relationship with that person, the job or nature of the experience and the approximate dates:

If yes, would that affect your ability to be fair and impartial in this case?

☐ Yes ☐ No

JUROR # _____

If yes, please explain:

47. Do you have any friends or family members who have ever been lawyers, judges, law clerks, or otherwise involved in the legal field?

☐ Yes ☐ No

If yes, without providing names, please indicate your relationship with that person, the job or nature of the experience and the approximate dates:

If yes, would that affect your ability to be fair and impartial in this case?

☐ Yes ☐ No

If yes, please explain:

48. Have you, a family member or close friend ever worked as or for a prosecutor?

☐ Yes (self) ☐ Yes (friends/family) ☐ No

If yes, please explain:

If yes, would that affect your ability to be fair and impartial in this case?

☐ Yes ☐ No

JUROR # _____

If yes, please explain:

49. Do you have any opinions or beliefs concerning law enforcement in general—including the Drug Enforcement Administration (“DEA”), the Department of Homeland Security, the Federal Bureau of Investigation (“FBI”), the New York City Police Department (“NYPD”), or any other federal, state, or local law enforcement agencies or police—that would affect your ability to evaluate the evidence fairly and impartially?

☐ Yes ☐ No

If yes, please explain:

50. Do you have any views about, or experiences with, the United States’ response to drug cartels or its policies and practices in combatting drug trafficking or its drug laws or the prosecution of drug offenses that would affect your ability to be a fair and impartial juror in this case?

☐ Yes ☐ No

If yes, please explain:

JUROR # _____

KNOWLEDGE OF THE CRIME, CASE AND PEOPLE

51. Have you read or heard anything about this case or about Mr. Garcia Luna in the media, on the internet, in talking with other people, or through any other source?

☐ Yes ☐ No

52. . Please turn to Attachment A at the end of this packet, and circle the name of any person or place that you have read or heard about or have any connection with.

If you answered yes to Question 51 or circled something in Attachment A, please describe in detail what you recall reading or hearing about this case, the defendant, or anyone connected to this case.

Would the information you read or heard affect your ability to serve as a fair and impartial juror in this case?

☐ Yes ☐ No

53. How closely have you followed media coverage of the drug trafficking organization known as the Sinaloa Cartel specifically, and drug cartels generally?

☐ Very closely ☐ Somewhat closely ☐ Not too closely ☐ Not at all

If you are familiar with such media coverage, is there anything about such coverage that would prevent you from being fair and impartial in this case?

☐ Yes ☐ No

54. How closely have you followed media coverage of allegations of corruption in the Mexican government?

JUROR # _____

☐ Very closely ☐ Somewhat closely ☐ Not too closely ☐ Not at all

If you are familiar with such media coverage, is there anything about such coverage that would prevent you from being fair and impartial in this case?

☐ Yes ☐ No

55. The defendant is accused of facilitating drug trafficking activity that occurred outside of the United States, knowing that the drugs would ultimately be sent to the United States. Do you have any personal feelings regarding the United States government's prosecution of someone whose alleged conduct mainly occurred outside of the United States?

☐ Yes ☐ No

If yes, please explain:

If yes, would that affect your ability to be fair and impartial in this case?

☐ Yes ☐ No

56. Do you have any specific views or feelings concerning the legalization of drugs, such as cocaine, heroin, methamphetamine and marijuana, in this country?

☐ Yes ☐ No

If yes, please explain:

If yes, would that affect your ability to be fair and impartial in this case?

☐ Yes ☐ No

JUROR # _____

57. Do you have any strong feelings or belong to any organizations related to the drug laws in the United States that could affect your ability to be fair and impartial or affect your ability to follow the Court's legal instructions?

☐ Yes

☐ No

If yes, please explain:

58. Have you had any personal experiences, either yourself or with your family members or close friends, regarding drug use and/or abuse?

☐ Yes (self)

☐ Yes (friends/family)

☐ No

If yes, please explain:

JUROR # _____

LEGAL PRINCIPLES

59. The defendant is presumed innocent and cannot be found guilty unless the jury, unanimously and based solely on the evidence in this case, decides his guilt has been proven beyond a reasonable doubt. The burden of proving guilt rests entirely with the government. The defendant has no burden of proof at all. Will you accept and apply this rule of law?

☐ Yes ☐ No

If no, please explain:

60. Under the law, a defendant need not testify or offer any evidence on his or her behalf. If a defendant chooses not to testify, the jury is not permitted to consider that fact in any way in reaching a decision as to whether a defendant has been proven guilty. Will you accept and apply these rules of law?

☐ Yes ☐ No

If no, please explain:

JUROR # _____

61. Several witnesses in this case will be law enforcement officers. Such a witness's testimony is not to be given any more or less credence than any other witness's testimony simply because that witness is a law enforcement officer. Will you accept and apply this rule of law?

☐ Yes ☐ No

If no, please explain:

62. Some government witnesses may testify that they participated in serious crimes, including drug trafficking offenses and violent crimes. These witnesses, who may be referred to during trial as "cooperating witnesses," may have criminal histories, may have pleaded guilty to crimes and may be testifying pursuant to lawful agreements with the government in hopes that their own sentences will be reduced. Use of these witnesses is lawful.

(a) Would you be able and willing to fairly and impartially assess the testimony of such a witness, in accordance with the Court's instructions?

☐ Yes ☐ No

If no, please explain:

(b) Do you have feelings about a witness seeking a reduced sentence by cooperating that would make it difficult for you to fairly and impartially consider that testimony or render a guilty verdict based on the testimony of such a witness?

☐ Yes ☐ No

JUROR # _____

If yes, please explain:

- (c) Although the government bears the burden of proof beyond a reasonable doubt, the law does not require that the government use any specific investigative techniques or present a specific type of evidence to prove its case. Can you accept and apply this rule of law?

☐ Yes ☐ No

If no, please explain:

- (d) It is the law that the testimony of a single witness, including a cooperating witness, can be sufficient to convict a defendant of a charged crime, if the jury finds that the testimony of that witness established proof beyond a reasonable doubt. Do you have any opinion or belief about the law or cooperating witnesses that would prevent you from applying this rule of law?

☐ Yes ☐ No

If yes, please explain:

JUROR # _____

63. Do you have any personal views toward people of Mexican descent that would cause you to doubt your ability to be a fair and impartial juror? (Note: If you would like to discuss or answer this question in a more private setting, please write “private” next to this question.)

☐ Yes ☐ No

If yes, please explain:

64. At the conclusion of the case the Court will instruct you on the law and explain to you the elements of the crimes charged in the indictment. Do you have personal, religious, philosophical or other beliefs as to what the law is or should be that would make it difficult for you to follow the instructions of the Court or that would make it difficult for you to sit in judgment of another?

☐ Yes ☐ No

If yes, please explain:

65. Under the law, the facts are for the jury to determine and the law is for the judge to determine. You are required to accept the law as the judge explains it to you, even if you do not like the law or disagree with it, and you must determine the facts according to those instructions. Will you accept and apply this rule of law?

☐ Yes ☐ No

If no, please explain:

JUROR # _____

GENERAL QUESTIONS

66. In your opinion, is there anything about this case, the issues, and/or the people involved in this case that might hinder you from being an impartial juror?

☐ Yes ☐ No

If yes, please describe:

67. This case may receive media attention. Will you be able to follow the Court's instructions that you are not to watch television, go on the internet, and/or listen to or watch any media coverage regarding this case, that you are not to discuss the case with family or friends until the trial and your deliberations have concluded, that you are not to discuss the case with fellow jurors until time for deliberations, and that the only information you are permitted to consider is that which is presented in court?

☐ Yes ☐ No

If no, please explain:

68. If you were selected to serve on this jury, would you consider and respect the view of other jurors even if their views differed from yours, in accordance with the Court's instructions?

☐ Yes ☐ No

JUROR # _____

SCHEDULING AND ABILITY TO SERVE

69. Your schedule: The Court and the parties estimate that after a jury is selected, this case will last approximately eight weeks, with the Court sitting Monday through Thursday. The trial day will be from 9:30 a.m. to 4:30 p.m.

Jury service is one of the highest duties and privileges of a citizen of the United States. Mere inconvenience or the usual financial hardships of jury service will be insufficient to excuse a prospective juror.

Do you wish to apply to the Court to be excused on the ground that jury service would be a serious hardship? If yes, briefly explain the hardship:

This trial is expected to last approximately 8 weeks, until approximately early March. The jury will normally sit from 9:30 a.m. to 4:30 p.m. The Court and counsel recognize that jury service of this length may be an inconvenience. On the other hand, people who have previously served on a criminal jury typically report that they found it to be an inspiring experience, for only in the United States of America do we give to a cross-section of the community such total responsibility for the determination of justice. Notwithstanding your recognition of the importance of jury service, if you believe that in your case service that might last 8 weeks – i.e., until approximately early March – would impose an unusual and substantial hardship on you, please explain why:

70. What arrangements, if any, can you make to alleviate your hardship?

71. Will you be paid your salary while you serve jury duty?

JUROR # _____

☐ Yes

☐ No

☐ Not sure

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[illegible]